

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Karnette

February 21, 2008

An act to amend Section 626.10 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as introduced, Karnette. Crimes: weapons.

Existing law, with limited exceptions, makes it a crime for persons to bring or possess specified weapons on the grounds of, or within, any private university, the University of California, the California State University or the California Community Colleges.

This bill would expand the above prohibition on weapons to include instruments that expel a metallic projectile such as a BB or a pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun. By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 626.10 of the Penal Code is amended to read:

626.10. (a) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, knife having a blade longer than 2½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, or a stun gun, as defined in subdivision (a) of Section 244.5, any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

(b) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches, *any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun*, upon the grounds of, or within, any private university, the University of California, the California State University, or the California Community Colleges is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

1 (c) Subdivisions (a) and (b) do not apply to any person who
2 brings or possesses a knife having a blade longer than 2 ½ inches
3 or a razor with an unguarded blade upon the grounds of, or within,
4 a public or private school providing instruction in kindergarten or
5 any of grades 1 to 12, inclusive, or any private university, state
6 university, or community college at the direction of a faculty
7 member of the private university, state university, or community
8 college, or a certificated or classified employee of the school for
9 use in a private university, state university, community college,
10 or school-sponsored activity or class.

11 (d) Subdivisions (a) and (b) do not apply to any person who
12 brings or possesses an ice pick, a knife having a blade longer than
13 2 ½ inches, or a razor with an unguarded blade upon the grounds
14 of, or within, a public or private school providing instruction in
15 kindergarten or any of grades 1 to 12, inclusive, or any private
16 university, state university, or community college for a lawful
17 purpose within the scope of the person's employment.

18 (e) Subdivision (b) does not apply to any person who brings or
19 possesses an ice pick or a knife having a fixed blade longer than
20 2 ½ inches upon the grounds of, or within, any private university,
21 state university, or community college for lawful use in or around
22 a residence or residential facility located upon those grounds or
23 for lawful use in food preparation or consumption.

24 (f) Subdivision (a) does not apply to any person who brings an
25 instrument that expels a metallic projectile such as a BB or a pellet,
26 through the force of air pressure, CO₂ pressure, or spring action,
27 or any spot marker gun upon the grounds of, or within, a public
28 or private school providing instruction in kindergarten or any of
29 grades 1 to 12, inclusive, if the person has the written permission
30 of the school principal or his or her designee.

31 (g) Any certificated or classified employee or school peace
32 officer of a public or private school providing instruction in
33 kindergarten or any of grades 1 to 12, inclusive, may seize any of
34 the weapons described in subdivision (a), and any certificated or
35 classified employee or school peace officer of any private
36 university, state university, or community college may seize any
37 of the weapons described in subdivision (b), from the possession
38 of any person upon the grounds of, or within, the school if he or
39 she knows, or has reasonable cause to know, the person is

1 prohibited from bringing or possessing the weapon upon the
2 grounds of, or within, the school.

3 (h) As used in this section, “dirk” or “dagger” means a knife or
4 other instrument with or without a handguard that is capable of
5 ready use as a stabbing weapon that may inflict great bodily injury
6 or death.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.